

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FILED  
U.S. DISTRICT COURT  
2006 MAR -9 P 3:10

DISTRICT OF UTAH

<p>REBECCA A. COLONNA,  Plaintiff,</p> <p>vs.</p> <p>BRIAN WEIDMER, AARON KENNARD, and LEISHA M. LEE-DIXON,  Defendants.</p>	<p>BY: _____ DEPUTY CLERK</p> <p>ORDER ADOPTING REPORT AND RECOMMENDATION</p> <p>Case No. 2:05 CV 128 TC</p>
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Plaintiff Rebecca A. Colonna filed suit against Brian Weidmer, Aaron D. Kennard, and Leshia M. Lee-Dixon. The court previously granted Weidmer and Kennard's motion to dismiss, leaving Ms. Lee-Dixon as the only defendant remaining in this case.<sup>1</sup> The case was referred to United States Magistrate Judge David O. Nuffer pursuant to 28 U.S.C. § 636(b)(1)(B), and is presently before the court on Ms. Lee-Dixon's motion to dismiss (Dkt. #18) and Colonna's motion for default judgment (Dkt. #16) and motion to strike Ms. Lee-Dixon's motion to dismiss (Dkt. #19).

Judge Nuffer issued his Report and Recommendation on February 16, 2006, finding that Plaintiff Rebecca Colonna lacks standing to assert a claim against Ms. Lee-Dixon and that Ms.

<sup>1</sup>Order Adopting Report and Recommendation, Docket no. 23, filed December 13, 2005.

Lee-Dixon, an Assistant United States Attorney, is entitled to prosecutorial immunity. For those reasons, Ms. Lee-Dixon's motion to dismiss should be GRANTED and Colonna's motion to strike the motion to dismiss and motion for default judgment should be DENIED.

The parties were given ten days from the date of the issuance of the Report and Recommendation to file objections; neither party has filed objections.

The court has conducted a *de novo* review of Judge Nuffers' recommendation and agrees therewith. Accordingly, the Report and Recommendation is adopted as the order of this court. Defendant Lee-Dixon's motion to dismiss is GRANTED and Plaintiff Colonna's motion to strike the motion to dismiss and motion for default judgment are DENIED.

DATED this 9th day of March, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL  
United States District Judge